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| APPLICATION NO.                                                       | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/982,337                                                            | 10/18/2001  | Todd Ouzts           | MFCP.88143          | 6724             |
| 5251                                                                  | 7590        | 05/19/2004           | EXAMINER            |                  |
| SHOOK, HARDY & BACON LLP<br>2555 GRAND BLVD<br>KANSAS CITY,, MO 64108 |             |                      | BONSHOCK, DENNIS G  |                  |
|                                                                       |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                                       |             |                      | 2173                |                  |

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/982,337

Applicant(s)

OUZTS ET AL.

Examiner

Dennis G. Bonshock

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2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7-12, and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Baecker et al., Patent #5,586,237, hereinafter Baecker.

3. With regard to claim 1, which teaches a method of use on a computer having a graphical operating environment, comprising: providing a collection of items within a container, the container having a background appearance, Baecker teaches, in column 6, line 53 through column 7, line 29 and in figure 6, representing the actual contents of particular documents in a frame. With regard to claim 1, which further teaches displaying a graphical preview of at least one item on the outer appearance of the container, Baecker teaches, in column 6, line 53 through column 7, line 29, column 7, lines 42-60, and in figure 6, the items being represented by a scaled down representation of the item shown on the folder. With regard to claim 1, further teaching enabling a computer user to more easily identify the contents of the container without opening the container, Baecker teaches, in column 6, line 53 through column 7, line 29 and in figure 6, the representations being viewable without opening the files.

4. With regard to claim 2, which teaches, enumerating the items that exist within the container, Baecker teaches, in column 7, lines 2-9, keeping numbers regarding the

number of icons displayed and the number of icons displayable. With regard to claim 2, further teaching, determining whether a graphical preview can be generated for each enumerated item, and generating a list of items for which a graphical preview can be generated, Baecker further teaches, in column 7, lines 41-59 and column 4, line 63 through column 5, line 7, generating a preview from the available images and storing them in memory for use by other folders.

5. With regard to claim 7, which teaches the preview being a thumbnail image of an item contained within the container, Baecker further teaches, in column 4, lines 20-25, lines 63-66, column 7, lines 45-47, and in figure 6, the generated image being a scaled down replica of the actual document and being displayed on the folder.

6. With regard to claims 8 and 14, which teaches a computer readable medium having computer readable instructions for performing the system, Baecker teaches, in column 4, lines 20-25, the system being implemented on a computer.

7. With regard to claim 9, which teaches a method in a computer system for displaying a collection of content items within a container, comprising: providing a collection of items within a background appearance, Baecker teaches, in column 6, line 53 through column 7, line 29 and in figure 6, representing the actual contents of particular documents in a frame, where the folder, as shown in figure 6, is known in the art to comprise a background appearance. With regard to claim 9, which further teaches displaying a graphical preview of at least one item on the outer appearance of the container, if the collection can be graphically represented, Baecker teaches, in

column 6, line 53 through column 7, line 29, column 7, lines 42-60, and in figure 6, generating scaled down representations of the available items.

8. With regard to claim 10, which teaches the container being a folder and the background appearance being that of a closed folder, Baecker further teaches, in column 4, lines 20-25 and in figure 6, the generated image being a scaled down replica of the actual document and being displayed on the folder, where the folder, as shown in figure 6, is known in the art to comprise a background appearance.

9. With regard to claim 11, which teaches the container being a folder and the background appearance being that of a photo album, Baecker further teaches, in column 4, lines 20-25, column 7, lines 21-29, and in figure 6, the generated image being a scaled down replica of the actual document and being displayed on the folder, and the images being able to be graphical images (pictures).

10. With regard to claim 12, which teaches at least one graphical preview being a preview of a electronic picture contained in the folder, Baecker further teaches, in column 6, lines 53 through column 7, line 29, a preview representing a graphic document in a folder.

11. With regard to claim 15, which teaches a computer system for displaying a collection of items on a display using a graphical operating environment, comprising: an item collection manager for providing a collection of items within a container, the container having a background appearance, Baecker teaches, in column 6, line 53 through column 7, line 29 and in figure 6, representing the actual contents of particular documents in a frame. With regard to claim 15, which further teaches a display provider

for displaying a graphical preview of at least one item on the outer appearance of the container, Baecker teaches, in column 6, line 53 through column 7, line 29, column 7, lines 42-60, and in figure 6, the items being represented by a scaled down representation of the item on a folder icon. With regard to claim 15, further teaching enabling a computer user to more easily identify the contents of the container without opening the container, Baecker teaches, in column 6, line 53 through column 7, line 29 and in figure 6, the representations being viewable without opening the files.

12. With regard to claim 16, which teaches a computer system for displaying a collection of items on a display using a graphical operating environment, comprising: a background appearance rendering component for providing a collection of items within a background appearance, Baecker teaches, in column 6, line 53 through column 7, line 29 and in figure 6, representing the actual contents of a particular documents in a frame, where the folder, as shown in figure 6, is known in the art to comprise a background appearance. With regard to claim 16, which further teaches a graphical preview rendering component for displaying a graphical preview of at least one item on the outer appearance of the container, if the collection can be graphically represented, Baecker teaches, in column 6, line 53 through column 7, line 29, column 7, lines 42-60, and in figure 6, generating scaled down representations of the available items.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3-6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baecker and Poole, *Macworld Mac OS 8.5 Bible*, hereinafter Poole

15. With regard to claim 3, Baecker teaches, in column 7, lines 2-9, a limited number of items being able to be displayed on a folder, but doesn't specifically teach a means of sorting the data. Poole teaches a system of displaying a reduced size representation of a picture as an icon (see page 159), but further teaches sorting the items displayed (see page 123). It would have been obvious to one of ordinary skill in the art, having the teachings of Baecker and Poole before him at the time the invention was made to modify the system of displaying reduced images in a folder view of Baecker to show the images based on some sort criteria. One would have been motivated to make such a combination because this would help to provide a most representative set of data displayed in a limited area.

16. With regard to claim 4, Baecker teaches, in column 7, lines 2-9, a limited number of items being able to be displayed on a folder, but doesn't specifically teach a means of sorting the data, by most recently modified. Poole teaches a system of displaying a reduced size representation of a picture as an icon (see page 159), but further teaches sorting the items displayed by the modified date (see page 123). It would have been obvious to one of ordinary skill in the art, having the teachings of Baecker and Poole before him at the time the invention was made to modify the system of displaying reduced images in a folder view of Baecker to show the images based on some sort



criteria. One would have been motivated to make such a combination because this would help to provide a most representative set of data displayed in a limited area.

17. With regard to claim 5, which further teaches sizing the preview and locating the previews on the background appearance in a desired location, Baecker further teaches, in column 7, lines 41-59, sizing the preview and, in column 4, line 63 through column 5, line 7, the moving about of icon information.

18. With regard to claim 6, which teaches determining if a graphical preview image has previously been generated and stored, and if so, displaying the previously generated previews, Baecker further teaches, in column 6, lines 53-60 and in column 4, line 63 through column 5, line 7, storing small graphical images for later retrieval.

19. With regard to claim 13, which teaches displaying a textual message in addition to the background appearance and the graphical preview, Baecker teaches, in column 6, line 53 through column 7, line 29, the storing of reduced size images in a folder view, but doesn't disclose a textual discretion of the image. Poole teaches a system of displaying a reduced size representation of a picture as an icon (see page 159), but further teaches displaying a textual description of the document along with the reduced image (see page 123). It would have been obvious to one of ordinary skill in the art, having the teachings of Baecker and Poole before him at the time the invention was made to modify the system of displaying reduced images in a folder view of Baecker to show the images along with textual descriptions as did Poole. One would have been motivated to make such a combination because the textual descriptions would provide

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a further degree of explanation of the document without the need for opening the document.

### ***Conclusion***

20. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach systems that display reduced images and represent multiple documents in a folder container form.


21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (703) 305-4668. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dgb



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PRIMARY EXAMINER  
ART UNIT 2173